

Attorney's Docket No. 033339/306516

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Jean-Luc Rouviere Confirmation No. 7151
Appl. No.: 10/565,034
Filed: June 8, 2006
For: METHOD FOR MEASURING PHYSICAL PARAMETERS OF AT LEAST
ONE MICROMETRIC OR NANOMETRIC DIMENSIONAL PHASE IN A
COMPOSITE SYSTEM

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAW HOLDING OF ABANDONMENT
IN ACCORDANCE WITH MPEP §711.03(C) AND 1156 O.G. 53**

Sir:

As set forth in MPEP § 711.03(c) and 1156 O.G. 53, Applicant hereby petitions to have the holding of abandonment of the above-identified application withdrawn. The application was held to be abandoned for failure to respond to a Notice to File Corrected Application Papers mailed May 22, 2008. The following materials are submitted in support of Applicant's petition:

1. a copy of the outside front cover of the file jacket maintained by us for the above-identified application; and
2. a copy of our Docket Control Sheet for the application.

The Notice to File Corrected Application Papers was not received by us. The undersigned attorney for Applicant has made a search of the file jacket and docket records associated with the above-identified application, and this search indicates that the Notice to File Corrected Application Papers mailed May 22, 2008 was not received by us. Our regular routine followed in all applications prosecuted in the United States Patent and Trademark Office is to enter all Notices, Notifications, and Office Actions received from the Patent Office on the front outside cover of the file jacket, as well as on a separate Docket Control Sheet, when they are received. The copy of the front outside cover of the file jacket in the above-identified application and the copy of the Docket Control Sheet both show that the Notice to File Corrected Application Papers mailed May 22, 2008 was not entered, thus indicating that the Notice was not received.

In view of the foregoing remarks and the enclosed evidence indicating that the Notice to

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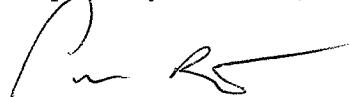
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File Corrected Application Papers was not received, Applicant respectfully requests that the instant petition be granted and that the holding of abandonment of the application be withdrawn.

Concurrently with the filing of this petition, Applicant's attorney is filing a complete response to the Notice to File Corrected Application Papers in which one sheet of substitute drawings is submitted.

It is believed that the present petition is treated as a petition under 37 C.F.R. 1.181, and that no fee is applicable. However, if any fee is due, please charge the fee to our deposit account No. 16-0605.

Respectfully submitted,



Timothy J. Balts

Registration No. 51,429

CUSTOMER NO. 00826

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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON August 14, 2008.

LEGAL02/30913733v1

CLIENT Cabinet Ores

CLIENT REF. NO. F026300102/US/PCT

SMALL ENTITY: YES NO WITHDRAWN _____ A&B CLIENT/MATTER 033339/306516

PRIORITY RIGHTS: Nat'l Phase of PCT/FR2004/001877, Fld 7-16-2004
French Priority 0308782, Fld. 7-18-2003

INVENTOR(S) Jean-Luc Rouviere, Laurent Clement, Roland Pantel

APPLICATION NO. 10/565,034 FILED June 8, 2006

TITLE Method for Measuring Physical Parameters of at Least One Micrometric or Nanometric Dimensional Phase in a Composite System

ASSIGNEE Commissariat A L'Energie Atomique

ASSIGNMENT RECORDED 6-8-2006 REEL 017747 FRAME 0368

PUBLICATION NO. US-2006-0288197-A1 PUBLICATION DATE 12-28-06

ALLOWED March 18, 2008

FINAL FEE PAID

May 27, 2008

PATENT NO

DATE

PATENT DOCKET CONTROL SHEET

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DATE OPENED: <u>January 17, 2006</u>	ATTORNEY(S): <u>ROL</u> / <u>ROL</u> /																																																																				
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